

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO. 5:09CR27-RLV

UNITED STATES OF AMERICA)	
)	
v.)	CONSENT ORDER FOR
)	THIRD PARTY PETITION
BERNARD VON NOTHAUS)	
)	
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PETITION OF GERHARD A. REILE,		
Doc. 447		

THIS MATTER is before the Court by consent of the United States of America, by and through Jill Westmoreland Rose, United States Attorney for the Western District of North Carolina and Petitioner, the estate of Gerhard A. Reile, by Patricia M. Kanowski, Executor ("Petitioner"), through counsel, pursuant to Fed. R. Crim. P. 32.2(c). The Government and Petitioner have consented to this Consent Order for Third Party Petition as a final adjudication and settlement of all matters between Petitioner and the Government with regard to the Petition of the Petitioner. Doc. 447.

The parties have **STIPULATED AND AGREED** and the **COURT FINDS AS FOLLOWS:**

1. Petitioner seeks the return of \$96,382.25 which, as the Petition states, "was wired to Liberty Services c/o Integra Bank account number 7801142980, Evansville, Indiana on 11/13/07 as per the attached documents." Doc. 447.
2. Per the Order of the Court, discovery has occurred. Doc. 652.
3. In light of discovery and the documentation submitted by the Petitioner, the United States herein agrees that this Court should grant the Petition and agrees to pay the

Petitioner the amount of \$96,382.25. This payment shall be from the amount of \$254,424.09 preliminarily forfeited by the Court in the Amended (Third) Preliminary Order of Forfeiture on February 25, 2015. Doc. 297.

4. By entering into this Consent Order, Petitioner agrees to, upon receipt of \$96,382.25 pursuant to a Final Order and Judgment of Forfeiture entered by this Court, release and forever discharge its interest in all property in this case except for the \$96,382.25. In exchange for release of the interest, the Government agrees to pay Petitioner the \$96,382.25 upon Final Order and Judgment of Forfeiture by this Court.

5. The payment to Petitioner shall be in full settlement and satisfaction of all claims by Petitioner to any property in this action and all claims against the United States resulting from the incidents or circumstances giving rise to this action.

6. Petitioner agrees not to pursue against the United States any rights that it may have on any property. Petitioner agrees to consent to any motion by the United States for final order of forfeiture of all property in this action, provided that such motion is consistent with the terms of this consent order and gives effect to the terms contained herein. Petitioner understands and agrees that the United States reserves the right to terminate the forfeiture action at any time.

7. The United States and Petitioner waive any rights to further litigate between each other in this forfeiture action to the property and agree that this Consent Order for Third Party Petition shall be in full settlement and satisfaction of all claims between Petitioner and the United States in this action and all claims between Petitioner and the

United States resulting from the incidents or circumstances giving rise to the forfeiture of any property in this action.

8. Unless specifically directed by an order of the Court, Petitioner shall be excused and relieved from further participation in this action.


9. In a separate Petition filed by the same Petitioner, the United States moved the Court to grant, and the Court granted the Petitioner's claim for 205.8 ounces of silver. Docs 329, 633, 648. Notwithstanding anything to the contrary herein, the parties agree that this Court should still grant Petitioner's claim for 205.8 ounces of silver, in addition to issuing this Consent Order for return of \$96,382.25 to Petitioner.

IT IS THEREFORE ORDERED THAT:

1. Based upon the stipulations of the parties herein that Petitioner satisfies one or more prongs of 21 U.S.C. § 853(n)(6), the Petition is granted to recognize that Petitioner has a security interest in \$96,382.25 of the preliminarily forfeited \$254,424.09 in this case. Upon the conclusion of these ancillary proceedings, the Court shall recognize Petitioner's interest in the \$96,382.25 and, provided that there is not a conflicting petition for the same assets that the Court deems holds priority over Petitioner's interest, order the disbursement of \$96,382.25 to Petitioner.

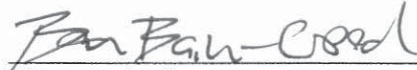
2. The United States and Petitioner shall bear their own fees and costs incurred in this federal forfeiture action, including attorneys' fees.

Signed this 26th day of August, 2016.


HON. RICHARD L. VOORHEES
UNITED STATES DISTRICT JUDGE

ON MOTION OF AND
BY CONSENT OF THE PARTIES:

JILL WESTMORELAND ROSE
UNITED STATES ATTORNEY



Thomas Ascik
Benjamin Bain-Creed
Assistant United States Attorneys

Dated: 7/7/16



Alex Heroy
Counsel to Estate of Gerhard Reile

Dated: 7/6/16